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Letter dated 31 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 April 2002 (S/2002/449).

The Counter-Terrorism Committee has received the attached supplementary report from Mexico, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: Spanish]

Letter dated 15 July 2002 from the Permanent Representative of Mexico to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit herewith the replies by the Government of Mexico to the letter of 15 April 2002 from the Counter-Terrorism Committee (see appendix).

(*Signed*) Adolfo **Aguilar Zinser**
Permanent Representative

Appendix

Second report of the Government of Mexico to the Counter-Terrorism Committee established pursuant to resolution 1373 (2001), submitted in response to the request from the Chairman of the Committee contained in the note of 15 April 2002

The Government of Mexico has undertaken to comply with the provisions of Security Council resolution 1373 (2001) and to cooperate fully with the efforts of the international community to combat the scourge of terrorism. This report was prepared in response to the letter dated 15 April 2002 from the Chairman of the Counter-Terrorism Committee requesting additional information on the measures which Mexico has thus far adopted or plans to adopt in order to combat and eradicate terrorism.

This additional report supplements the first report submitted by the Government of Mexico on 27 December 2001 (S/2001/1254) and should be read in conjunction with it.

Resolution 1373 (2001)

Paragraph 1

Subparagraph (a):

1. Could Mexico please provide further information about the "transactional patterns" used by the Mexican financial authorities in order to establish whether a transaction is suspicious.

Mexican financial regulations for the prevention of operations involving illegally acquired funds use the term "unusual operation", not "suspicious transaction". The financial institutions determine which operations are to be reported as unusual, in accordance with the criteria established in the operations manuals authorized by the Ministry of Finance and Public Credit (SHCP).

The SHCP Deputy Directorate of Investigation and Operations acts as Mexico's Financial Intelligence Unit (as defined by the Egmont Group) and is responsible for analysing the reports transmitted by financial institutions. Where necessary, it determines whether there is a formal suspicion of money-laundering or other criminal activity which should be reported to the Office of the Attorney-General of the Republic.

Mexican financial institutions and those constituted under Mexican law are required, under the laws and regulations by which they are governed, to comply with procedures for identifying their customers and with the unusual operations reporting system, in accordance with the criteria set out in the operations manuals authorized by SHCP.

These manuals provide that in order to characterize an operation as unusual, institutions must consider, inter alia, the following:

1. The specific circumstances and background of each of their customers, i.e., professional activity, line of business or corporate purpose;

2. The amounts of the operations they commonly carry out, their relationship to the activities referred to above, the type of funds transfer that the customer usually makes and the currency or other medium in which it is made;

3. The commercial and banking customs and practices prevalent in the market in which they operate;

4. The unusually high amounts, complexity and atypical modalities of those transactions that have no apparent economic or lawful cause;

5. The multiple or separate amounts that, added together, equal or exceed the equivalent of US $10,000;

6. Instances where natural or legal persons refuse to provide identification documents, submit false information, seek to evade the established reporting controls, attempt to bribe or intimidate employees of the institutions in order to obtain their cooperation in carrying out operations or contravening the regulations that prevent them, or where there are doubts as to the identity of the real owner of the funds.

Mexican financial institutions and those constituted under Mexican law must, to the extent possible, examine the background and purpose of unusual operations and put the results of their examination in writing.

In characterizing any operation, financial institutions must also refer to the following principles:

Know your customer. The application of this principle makes it possible to know the specific circumstances of each customer (natural and legal persons), such as professional activity, line of business or corporate purpose.

Inconsistency. This element is normally present in any unusual operation, since there is usually an inconsistency between the operation and the customer's activities.

2. What are the features to be included in the definition of unusual operations in order to identify operations potentially intended to be used for terrorist purposes?

The Government of Mexico has not established additional elements, factors or reasons for considering certain operations as unusual because of possible connections with terrorist activities. Nevertheless, the competent authorities have requested financial intermediaries operating in Mexico or under its jurisdiction to reinforce the identification and "know your customer" criteria they currently observe, in order to prevent the use of financial services to support or sustain activities linked to terrorism.

In order to facilitate the analysis of their operations, and in the light of international experience, SHCP transmitted to financial institutions the guidance on terrorist financing prepared by the Financial Action Task Force on Money Laundering.[1]

[1] The guidance on terrorist financing prepared by the Financial Action Task Force on Money Laundering (FATF) is available on the FATF Internet site, http://www.fatf-gafi.org/TerFinance_en.htm.

3. What kind of documentation must be provided by a client in order to fully satisfy the identification requirements of financial institutions?

Financial and banking institutions require identification from their customers (natural or legal persons) in accordance with the following practice:

Requirements	*Type of Person*			
	Natural		*Legal*	
	Mexican	*Foreign*	*Mexican*	*Foreign*
Current official identification document (with signature, photograph and address)	x	x	(Of representative) x	x
Proof of address	x*	x*	x	x
Federal Taxpayers Registration and Tax Identification Nos.	(Where applicable) x	(Where applicable) x	x	(Where applicable) x
Single Population Register Code	(Where applicable) x			
Notarized powers of attorney	(Where applicable) x	(Where applicable) x	x	x
Attestation of incorporation**			x	
Passport/immigration status		x		
Attestation of legal existence				x

* Proof of address is required only if the identification obtained from the customer does not show the address, or if the address does not match the one mentioned in the contract.

** In the case of recently constituted companies, institutions must obtain notarized certification that the first attestation of incorporation is in the process of registration.

Once the customer receives the attestation with the dates of registration in the Public Commercial Register, a copy thereof must be submitted to the institution.

Mexican natural or legal persons

Identification

Mexican legislation provides that natural or legal persons must be asked to establish their identity by means of certain public or private documents, as follows:

- If the applicant is a natural person, that person and his or her principals or representatives, co-principals, authorized third parties and beneficiaries (exercising his or her rights) will be required to present current official identification papers with photograph, signature and address, where applicable.

- If the applicant is a natural person exercising a business activity, or a legal person, that person's representatives or agents and authorized third parties will be required to present official identification papers with photograph, signature and proof of address.

Identity can be established with financial institutions by means of any of the following official documents:

1. Voting card issued by the Federal Electoral Institute;
2. Passport issued by the Ministry of Foreign Affairs;
3. Military identity card issued by the Ministry of Defence;
4. Professional identity card issued by the Ministry of Education;
5. Official identity card issued by a federal, state or municipal department or entity;
6. Driving licence issued by the motor vehicle authorities;
7. Identification papers accepted in border zones, such as those issued by the Government of the United States of America, provided that they are accepted by the credit institutions of that country as valid identification papers.

Current proof of address

Mexican legislation provides that natural or legal persons must be asked to establish their address, as follows:

- Natural persons will be required to show proof of address if their personal identification document does not give their address or the address does not match the one mentioned in the contract.
- Legal persons will be required to show proof of the company address regardless of the identification documents presented.

Address can be established with financial institutions by means of any of the following public or private documents:

1. Most recent property tax receipt;
2. Electricity receipt;
3. Telephone receipt;
4. Water receipt;
5. Lease contract;
6. Bank statement.

Proof of address must not be more than three months old.

Federal Taxpayers Registration No. (issued by the Ministry of Finance and Public Credit)

This requirement applies to legal persons and to natural persons exercising a business activity. The applicant or customer will be asked to supply the Federal

Taxpayers Registration No. and a copy of the Tax Identification No., which must be compared against the original.

Single Population Register Code (CURP) (issued by the Ministry of the Interior)

The Single Population Register Code (CURP) is an official individual identification code whose main characteristic is a single match between the person and his or her code.

This requirement applies only to natural persons, regardless of their economic activity. Where feasible, the customer will be asked to provide a copy of the record issued by the Ministry of the Interior containing the CURP, which must be compared against the original.

Charter and notarized powers of attorney

Natural persons must present notarized powers of attorney if they are represented by their attorneys or agents and legal persons must present a copy of the charter. Depending on the type of company, the applicant or customer will be asked to provide the following documentation:

In the case of commercial companies:

- Charters and amendments thereto, duly registered in the Public Commercial Register;
- Appointments and powers granted to legal representatives of the company;
- Trade unions and associations;
- Statutes duly registered in the Public Commercial Register and/or minutes of shareholders' meetings stipulating the appointment of agents.

In the case of recently constituted commercial companies, institutions will request notarized certification that the attestation of incorporation is in the process of registration in the Public Commercial Register; the customer is required to submit to the institution a copy of the registration in the Register once the customer receives the attestation containing the registration dates. No accounts may be opened and no contracts may be signed if the customer does not submit the aforesaid notarized certification.

Trade unions will be asked to submit their record of registration with the Ministry of Labour and Social Security or with the respective conciliation and arbitration panel, depending on the jurisdiction involved.[2]

[2] Article 365 of the Federal Labour Act provides that: "Trade unions must register with the Ministry of Labour and Social Security in cases under federal jurisdiction and with the conciliation and arbitration panels in cases under local jurisdiction. To this end, they shall submit in duplicate: (i) an authorized copy; (ii) a list showing the number, names and addresses of their members and the name and address of the employers, enterprises or establishments where services are provided; (iii) an authorized copy of the statutes; and (iv) an authorized copy of the minutes of the meeting at which the leadership was elected. The documents referred to above shall be authorized by the general secretary, the organizational secretary and the recording secretary, except as otherwise provided in the statutes."

Natural or legal persons of foreign nationality

In addition to complying with the requirements set forth above, the following must be considered, as the case may be:

- Natural persons will be asked for their passport, and the name, photograph, nationality and signature will be verified to ensure that they match the particulars supplied by the applicant; where applicable, proof of immigration status will also be requested;
- Legal persons will be asked to provide the original document establishing their legal existence and that of the person accredited as their legal representative; if the latter is also of foreign nationality, his or her original passport will be requested;
- Documents issued abroad must be similar to those provided for in civil and commercial law. Examples of valid identification documents are passports and duly issued immigration papers.

The institution must verify that these documents are valid on the date of their submission.

4. Does Mexico have any plans to require natural or legal persons other than banks (e.g. attorneys, notaries and other intermediaries) to report suspicious transactions that might be linked to terrorist activities?

SHCP is analysing the possibility of issuing administrative rules applicable to the non-financial sector for the prevention of money-laundering and the financing of terrorist activities. The non-financial sector includes attorneys, notaries and other non-financial intermediaries.

Subparagraph (b):

5. Since Mexico is completing the constitutional procedures to become a party to the International Convention for the Suppression of the Financing of Terrorism and is consequently preparing amendments to its Federal Penal Code, please furnish a progress report on those amendments.

The federal executive branch is scheduled to submit the proposed initiative on amendments and additions to the Federal Penal Code, the Federal Code of Criminal Procedure and the Federal Organized Crime Act for approval by Congress at the forthcoming session beginning in September 2002.

The purpose of the proposed reform is to increase the minimum penalty for the crime of terrorism and to criminalize the financing of terrorist activities initiated or prepared in national territory for completion abroad. Another purpose of the amendment initiative is to abolish early release for persons convicted of terrorism.

Subparagraph (c):

6. What is the legal time frame within which a court is required to decide to authorize or deny the Public Prosecutor's Office the authorization to freeze funds? How long does it take in practice to freeze such funds?

During the initial investigation, the Public Prosecutor's Office is authorized to seize any instrument, object or product of the crime. When the offence is connected

with organized crime (including terrorist organizations, article 29 of the Federal Organized Crime Act), judicial authorization is required.

During the trial, the court has three days in which to decide whether to authorize or deny the Public Prosecutor's Office the authorization to seize (freeze) funds. The funds are frozen immediately after the measure is ordered by the Public Prosecutor's Office or once the relevant judicial authorization has been obtained.

7. Under article 29 of the Federal Organized Crime Act, if a person certifies that assets were lawfully acquired, they must be released. Does that mean that the person in question must prove that the assets were lawfully acquired or that the person need only demonstrate that the acquisition was more probably than not lawful?

Under article 29 of the Federal Organized Crime Act, the person in question must certify that the assets are from a legitimate source, and not only demonstrate that it was merely likely that they were lawfully acquired. It is for the federal judicial authority to determine whether the certification is genuine.

8. Does article 29 mean that lawfully acquired assets belonging to terrorists cannot be frozen?

Article 29 of the Federal Organized Crime Act establishes that, when a person certifies that seized assets are from a legitimate source, the authority must order the seizure to be lifted. Certification of the legitimate source of assets must at all times be supported, justified and duly proved.

It should be pointed out that, based on the reply initially submitted by Mexico in document S/2001/1254, lawful assets that are instruments or objects of an international crime are to be forfeited. Moreover, lawfully acquired assets belonging to terrorists may be forfeited if there is evidence to suggest that such assets are destined for or connected with terrorist activities, pursuant to articles 40 of the Federal Penal Code and 181 of the Federal Code of Criminal Procedure.

Lawfully acquired assets belonging to terrorists that are not used for the purpose of committing a crime may not be seized.

Subparagraph (d)

9. How does the financial tracking system ensure that funds received by associations are not diverted from their stated purposes to terrorist activities?

Mexico's financial tracking system applies exclusively to intermediaries stipulated in the domestic financial legislation. Should they engage in activities different from their primary purpose or in unlawful activities, without prejudice to the penalties provided for in the actual financial legislation, they will be subject to another type of penalty that may even consist of withdrawal of authorization and registration to operate as a financial intermediary.

In the exercise of their audit functions, the fiscal authorities may penalize those associations that engage in activities other than those declared, which must not, of course, involve an unlawful purpose such as support for terrorist activities. Penalties may range from monetary fines to reporting to the competent criminal authorities.

Paragraph 2

Subparagraph (a):

10. Is Mexico considering amending the Federal Penal Code in order to criminalize recruitment for the purpose of carrying out terrorist acts regardless of whether such acts have actually been committed or attempted?

The Government of Mexico is not considering amending the Federal Penal Code in order to criminalize, as a separate crime, recruitment of persons for the purpose of committing terrorist acts. However, the initiative, referred to in the reply to question 5, of amending the Federal Penal Code provides, as part of the criminalization of financing of terrorism, for punishment of a person who aids or abets others in committing crimes of terrorism or in supporting national or international terrorist activities or terrorist organizations.

In addition, in the initial report (S/2001/1254) Mexico stated that the person recruiting may be penalized as an accomplice to the crime of terrorism under the provision contained in article 13, paragraphs V and VI, of the Federal Penal Code, which defines as an accomplice a person who wilfully instructs another person to commit the crime, or a person who aids or abets another in committing the crime. If the crime is committed by three or more persons, the person who does the recruiting may, depending on the circumstances of the case, also be punished as an accomplice to the crime of unlawful association (article 164 of the Federal Penal Code) or as a participant in organized crime (article 2 of the Federal Organized Crime Act).

11. According to the report, "Any person who recruits members of terrorist groups may, depending on the circumstances of the case, be considered an accomplice to the crime by unlawful association, punishable under the Federal Penal Code, or as a participant in crimes committed by organized crime, punishable under the Federal Organized Crime Act." Please elaborate on the circumstances which might lead the court not to punish the recruitment of members of terrorist groups.

Under Mexican legislation there are no circumstances that could lead a court not to punish the recruitment of members of terrorist groups.

The Committee's question would appear to be based on a misinterpretation of Mexico's initial reply to this paragraph of resolution 1373 (2001). As stated in the sixth paragraph on page 7 of document S/2001/1254 and the second paragraph of the reply to question 10 in this document, a person who recruits members of terrorist groups may be considered an accomplice to the crime of terrorism and, in addition, as an accomplice to the crime of unlawful association or organized crime. If no organization of the crime is involved, this would be considered as a crime of unlawful association.

On the basis of the foregoing, unless it is proved that a crime of terrorism was attempted or carried out and that the person in question participated in it, the recruitment of members of terrorist groups is not a punishable offence. Under Mexican law: "A punishable attempted crime occurs when the decision to carry it out is followed by the commission of some or all of the acts that would lead to its completion, or by the omission of acts that should prevent it, if the crime is not completed for reasons beyond the control of the person concerned" (article 12 of the Federal Penal Code).

12. Please outline the controls regarding the sale of firearms and explosives within Mexican territory.

In Mexico, the controls on the formal sale of firearms and explosives are legally maintained in articles 10 of the Political Constitution of the United Mexican States; in articles 4, 7, 17, 37, 38, 40, 41, 43, 48, 49, 50, 51, 52, 53, 55, 56, 68, 69, 70 and 73 of the Federal Firearms and Explosives Act and, from the administrative point of view, in the provisions of article 48, paragraph V, of the corresponding regulations.

The controls applied to the sale of firearms and explosives are as follows:

(1) Under article 4 of the Federal Firearms and Explosives Act, control of all weapons in the country, for which there is a federal weapons register, is the responsibility of the executive branch, through the Ministry of Defence, in accordance with the respective powers entrusted to them by that Act and its regulations;

(2) The control referred to in article 4 is the exclusive responsibility of the Ministry of Defence;

(3) For that purpose, a physical or moral, public or private person submits an application for the sale of firearms or explosives, which must be granted provided that the legal requirements have been met;

(4) Once general permission has been granted, the person concerned submits a monthly report on his commercial activities, and is obliged to make the necessary arrangements for inspections by the Ministry of Defence;

(5) A person who has received general permission for these activities and who sells a firearm or explosives requires the customer to produce identification and the special permit to purchase the material issued by this Ministry, and the seller records the transaction in the appropriate register;

(6) Any acquisition of firearms or explosives on the informal market must be reported to the official of the Public Prosecutor's Office, as a violation of the Federal Firearms and Explosives Act. Such acts are punishable by imprisonment and the applicable fine, as well as forfeiture of the firearms and explosives;

(7) No permits are currently granted to physical persons for the sale of firearms;

(8) This activity is carried out exclusively by the Arms and Ammunition Marketing Board of the Department of Manufacturing, which reports to the Ministry of Defence, in strict application of the pertinent law.

Subparagraph (b):

13. Please provide copies of model agreements in the field of the exchange of financial information and mutual assistance between the customs services.

As requested, copies of the following instruments have been provided in annex A to this report:

(1) Agreement on mutual cooperation between the Government of the Kingdom of Spain and the Government of the United Mexican States for the exchange of information relating to financial transactions conducted through

financial institutions in order to prevent and combat operations from an unlawful source or money-laundering;

(2) Agreement on mutual cooperation between the Government of the United Mexican States and the Government of the French Republic for the exchange of information relating to financial transactions conducted through financial institutions in order to prevent and combat operations from an unlawful source or money-laundering;

(3) Agreement on mutual cooperation between the Government of the United Mexican States and the Government of the United States of America for the exchange of information relating to currency transactions conducted through financial institutions in order to combat unlawful activities;

(4) Agreement between the Government of the United Mexican States and the Government of the United States of America on mutual assistance between their customs administrations.

Subparagraph (c):

14. The report states that, under article 126 of the Population Act, any foreigner who attempts to undermine Mexico's sovereignty or national security shall be permanently expelled from the national territory. Is there a legal provision in Mexico which authorizes the expulsion of a person who attempts to undermine the national security of another State?

There is no legal provision in Mexico that explicitly authorizes the expulsion of a person who undermines the national security of another State. However, the immigration authorities are authorized to refuse the admission, sojourn, return or change of immigrant status of foreigners with an unsavoury past history abroad, under article 37, section V, of the Population Act, and article 106, section II, of the corresponding regulations. The foregoing is, without prejudice to the applicable provisions of the extradition treaties concluded between Mexico and other countries.

Subparagraph (e):

15. The report states that there are rules in the Federal Organized Crime Act regarding "measures to protect witnesses, judges, experts, victims and other persons involved in criminal proceedings for offences related to organized crime" (article 34). Please describe these measures. How well have these measures worked so far?

The Office of the Attorney-General of the Republic enjoys full discretionary powers to determine the assistance and protection measures to be applied in each case, according to the status or risk circumstances of the person in question. To date, the Special Organized Crime Unit has provided surveillance and police custody, lodging, food and financial assistance. In exceptional circumstances, the measures have been extended to relatives of the person to be protected or assisted.

16. On the basis of article 4 of the Federal Penal Code, Mexican courts seem to have no jurisdiction over acts committed abroad by foreign nationals in cases where no Mexican citizens are included among the victims. Please clarify whether this is the case, in particular, in all of the following circumstances.

Mexican courts have no jurisdiction over acts committed abroad by foreign citizens, whether or not they normally reside in Mexico, unless Mexican citizens are among the victims.

Acts committed outside Mexico by a person who is a citizen of, or habitually resident in, Mexico (whether that person is currently present in Mexico or not).

The Mexican Government shall have jurisdiction if a Mexican commits a crime against Mexicans or foreigners in foreign territory. In that event, Mexico has jurisdiction whatever the nationality of the victims.

Mexican courts have jurisdiction for acts committed by a national or habitual resident of Mexico in foreign territory only under the following conditions, in accordance with article 4 of the Penal Code:

- The accused is in national territory (para. 1);
- A final verdict has not been rendered in the country where the crime was committed (para. 2);
- The offence with which the accused is charged is considered a crime both in the country where it was committed and in Mexico (para. 3).

Mexico also has jurisdiction over crimes committed abroad when they are initiated, planned or committed abroad provided that they produce or are intended to produce effects in national territory, in accordance with article 3 of the Federal Penal Code.

Acts committed outside Mexico by a foreign national who is currently in Mexico.

In accordance with the response to the previous question, Mexican courts have jurisdiction over acts committed outside Mexico by a foreigner, provided that the victim is Mexican and all the conditions of the aforementioned article 4 of the Penal Code have been met, including that the alleged perpetrator is in national territory.

However, article 4 of the Federal Penal Code is not the only relevant provision. International treaties to which Mexico is a party, which constitute positive law in accordance with article 133 of the Constitution, are also applicable in the Mexican Republic. In addition, article 6 of the Federal Penal Code recognizes the applicability of international treaties which cover crimes. In accordance with those treaties, Mexico can exercise jurisdiction under the conditions established therein.

Subparagraph (f):

17. The report also states that legal assistance is provided, in accordance with international reciprocity, to countries with which Mexico has no mutual legal assistance treaty. Please inform the CTC how the Mexican authorities establish whether the requirement of reciprocity is met with respect to countries in relation to which there are no precedents, or in relation to which precedents are few in number or contradictory. Would this practice be affected in any way by the obligation set forth in subparagraph 2 (f) of the resolution?

The Mexican Government usually offers legal assistance by asking the requesting State to make the request through the diplomatic channel and when the

foreign Government indicates that it is offering reciprocity in similar cases submitted by the Mexican authorities.

In a case where there are no elements on which to base reciprocity, or where there are few or contradictory precedents, Mexico follows the principle of good faith and offers the requested cooperation and assistance. In Mexican practice there have been no precedents for denying international reciprocity in the cases mentioned.

The gravity of terrorism, the lack of a treaty, the absence of precedents or even cases where, under reciprocity, it would be advisable to deny a request, would not pose obstacles to Mexico in offering cooperation in accordance with its laws and internal procedures. The application of paragraph 2 (f) of Security Council resolution 1373 (2001) would not be affected.

18. What is the legal time frame within which a request for judicial assistance in criminal investigations or criminal proceedings relating to the financing or support of terrorist acts is required to be met and how long does it actually take in practice to implement such a request?

In Mexico there is no set or strict time limit, either in law or in practice, for responding to requests for legal assistance in criminal investigations and proceedings. The time needed for processing depends on the type of request, the supporting documentation and the degree of involvement of the courts in its processing. Mexico attempts to respond to requests for assistance as quickly as possible.

In practice, the processing of this type of request takes between three and six months, depending on the type of request and the supporting documentation. In the case of financial information, the Attorney General's Office requests information or documentation relating to the financial system through the National Banking and Securities Commission, the National Insurance and Guarantees Commission, and the National Commission for the Retirement Savings System, in their respective areas of expertise (article 180 of the Federal Penal Code).

Paragraph 3

Subparagraph (b):

19. Are the cooperation agreements and the 19 bilateral mutual legal assistance treaties mentioned in the report under subparagraph 2 (f) identical? If not, please provide a list of the countries with which Mexico has entered into such agreements.

The cooperation agreements referred to above are the bilateral mutual legal assistance treaties mentioned in subparagraph 2 (f) of the report.

Subparagraph (c):

20. According to the report, Mexico has concluded 19 bilateral treaties in the area of international legal assistance and 28 extradition treaties. Could Mexico please provide the CTC with a list of those 19 and 28 countries, respectively?

The following is the list of countries with which Mexico has concluded mutual legal assistance treaties:

1. Australia
2. Canada
3. Colombia
4. Costa Rica
5. Cuba
6. Chile
7. El Salvador
8. France
9. Germany
10. Greece
11. Guatemala
12. Nicaragua
13. Panama
14. Peru
15. Portugal
16. Spain
17. United States of America
18. Uruguay
19. Venezuela

The following is the list of countries with which Mexico has concluded extradition treaties:

1. Australia
2. Bahamas
3. Belgium
4. Brazil
5. Canada
6. Colombia
7. Costa Rica
8. Cuba
9. Chile
10. El Salvador
11. France
12. Greece
13. Guatemala
14. Italy
15. Nicaragua
16. Netherlands
17. Panama
18. Peru
19. Portugal
20. Republic of Korea
21. Spain
22. United Kingdom
23. United States of America
24. Uruguay
25. Venezuela

In addition, Mexico is a party to the Multilateral Convention on Extradition, signed in Montevideo by:

1. Argentina
2. Chile
3. Colombia
4. Dominican Republic
5. Ecuador
6. El Salvador
7. Guatemala
8. Honduras
9. Nicaragua
10. Panama
11. United States of America

Please provide a copy of the text of a typical agreement from each category.

See annex B of this report, which includes the following:

1. Extradition treaty concluded between the United Mexican States and the Republic of Peru;

2. Treaty on judicial assistance in criminal matters concluded between the United Mexican States and the Republic of Peru.

It would be of particular interest to receive the outline of an agreement on mutual legal assistance which provides for requests for assistance to be acted on in accordance with special procedures set out in the request.

None of the international agreements that Mexico has signed contain particularly detailed procedures. However, a copy of the agreement on judicial assistance between Mexico and Colombia, which contains specific provisions on forfeiture and products or instruments of the offence, is enclosed.

Subparagraph (d):

21. Could Mexico please provide a progress report on the ratification of the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism?

In accordance with constitutional procedures, the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism were submitted for consideration to the Senate of the Republic at the regular session which began in March 2002. To date, both instruments have been favourably received by the relevant committees and are awaiting consideration by the plenary of the Senate. A decision is expected during the autumn session, which begins in September of this year.

Subparagraph (e):

22. Have the crimes specified in the relevant international conventions been included as extraditable offences in the bilateral treaties which Mexico has concluded with other countries?

It has not been necessary to include expressly in bilateral treaties the offences defined in the international treaties on terrorism. In most of those treaties, the requirement for admissibility of the extradition request is that the offence must carry a minimum prison term of one to two years. In Mexico, terrorism carries a minimum penalty of two years, and if the reform initiative to which reference was made in the answer to question 5 is adopted, the minimum penalty would increase to 20 years.

In addition, the international treaties on terrorism to which Mexico is a party establish the obligation of the parties to try or extradite an alleged perpetrator found in their territory; thus, in the cases envisaged by those treaties, there would be no legal obstacle to extradition or judicial assistance.

The multilateral anti-terrorism instruments to which Mexico is a party provide that the offences contemplated therein shall be considered as included among the offences giving rise to extradition in any extradition treaty concluded between the States parties.

Other matters:

23. Could Mexico please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the resolution.

See Annex C of this report, which includes the following:

1. Organizational structure (first and second levels) of the Ministry of Finance and Public Credit, noting in detail the assignment of the banking, savings and insurance and guarantees commissions to act as regulatory bodies in the area of money-laundering, among other functions, and that of the Deputy Directorate of Investigation and Operations, constituted as the Mexican Financial Intelligence Unit, in accordance with the Egmont Group's definition
2. Organizational structure (first and second levels) of the Tax Administration Service, to which the General Customs Administration is attached (C.2.a)
3. Organizational structure of the National Banking and Securities Commission
4. Organizational structure of the National Insurance and Guarantees Commission
5. Organizational structure of the Retirement Savings System
6. Organizational structure of the National Migration Institute (INM)
7. Organizational structure of the Office of the Attorney-General of the Republic
8. Organizational structure of the Ministry of Public Security (SSP)
9. Organizational structure of the Centre for Investigations and National Security (CISEN)